

APPEAL NO. 041281  
FILED JULY 20, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 12, 2004. The hearing officer determined that the appellant/cross-respondent's (claimant) \_\_\_\_\_, compensable injury extends to include post-concussion syndrome, a head contusion, and a herniation at C6-7; that the \_\_\_\_\_, compensable injury does not extend to include concussion myofascitis, cervical segmental dysfunction, degenerative disc disease at C6-7, protrusion at C3-4, bulging at C4-5 and C5-6, spondylosis at C6-7, cervical disc syndrome, or depression; that the respondent/cross-appellant (carrier) did not waive the right to contest the compensability of the above-listed conditions; that the employer did not make a bona fide offer of employment (BFOE) to the claimant; and that the claimant has had disability beginning on June 1, 2003, and continuing through the date of the hearing. The claimant appealed the hearing officer's determination that the compensable injury does not include all of the above-listed conditions. The carrier responded, urging affirmance. The carrier appealed the hearing officer's determination that the compensable injury does extend to and include post-concussion syndrome and a herniation at C6-7, as well as the determination that the claimant has had continuing disability. The claimant responded, urging affirmance. The hearing officer's determinations regarding carrier waiver and BFOE have not been appealed and have become final. Section 410.169.

DECISION

Affirmed.

Extent of injury and disability present questions of fact for the hearing officer to resolve. Conflicting evidence was presented on the disputed issues. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The trier of fact may believe all, part, or none of the testimony of any witness. Taylor v. Lewis, 553 S.W.2d 153, 161 (Tex. Civ. App.-Amarillo 1977, writ ref'd n.r.e.); Aetna Insurance Co. v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). In view of the evidence presented, we cannot conclude that the hearing officer's determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **HARTFORD INSURANCE COMPANY OF THE MIDWEST** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Daniel R. Barry  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Edward Vilano  
Appeals Judge